HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 75 of 2005

1. Smt. Vimala W/o late Shri Ram Sahay
2. Lallu Singh S/o Jagat Singh
3. Pankaj Kumar S/o Durga Prasad
4. Rajendra S/o late Shri Ram Sahay
   All R/o 1 to 4 F-17-/622 Vashundhari
   Awas Vikas
   P.S. Indrapuram, Ghaziabad
   District Ghaziabad, U.P. ……..Applicants

Versus

1. State of Uttaranchal
2. J.M., Roorkee
3. Om Prakash Kasyap
   S/o late Shri Kashiram
   R/o House No. 184/8 Ganesh Pur Datwali
   Gali Roorkee
   P.S. Gangnaher Roorkee
   District Haridwar ….…. Respondents

Hon'ble J. C. S. Rawat, J.

1. Heard Sri Manish Arora learned counsel for the applicants and Sri Lok Pal Singh learned counsel for the respondent no.3.

2. This is a petition under section 482 Cr.P.C. with the prayer to set aside the impugned order dated 15.9.2004 passed by Judicial Magistrate, Roorkee, District Haridwar in misc. case No. 1352/2004 under section 498A, 323 IPC & 3/4 Dowry Prohibition Act.

3. It has been alleged in the petition that the marriage was solemnized between the applicant No.4-Rajendra and the daughter of the respondent No.3. After some time of the marriage, Smt. Renu Bala(daughter of the respondent No.3) left the house of the applicant No.4-husband. Thereafter, on 26.9.2003 the applicant No.4-husband has filed a divorce petition against Smt. Renu Bala in the court of Ghaziabad. When the respondent No.3 came to know about the divorce petition, he lodged an FIR against the

applicants. The police investigated the matter and submitted a final report. Thereafter, the respondent No.3 filed a protest petition against the final report. After perusal of the protest petition and other documents, the learned Magistrate took the cognizance against the applicants on 15.9.2004. Feeling aggrieved by the said order, the applicants have come up before this Court.

4. During the course of hearing, the parties have amicably settled the matter and an application to that effect has been filed alongwith the affidavits of Smt. Renu Bala and Rajendra. Both the parties have stated in the affidavits they have amicably settled their disputes and entered into a compromise. No disputes at present persist between them and other family members.

5. Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B. S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277:-**

> *"12. The special features in such matrimonial matters are evidence. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.*
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> *13. The observations made by this Court, through in a slightly different context, in **G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693** are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose*

of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counseled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts."

6. Considering the above facts and the principles laid down by the Apex Court, the proceedings in misc. case no.1352/2004 pending before the Judicial Magistrate, Roorkee, District Haridwar are hereby quashed. The petition is allowed accordingly.

(J. C. S. Rawat, J.)

Dated 05.04.2006

LSR